

Sec. 15. Section 648.22, Code 1995, is amended to read as follows:
648.22 JUDGMENT - EXECUTION - COSTS.

If the defendant is found guilty, judgment shall be entered that the defendant be removed from the premises, and that the plaintiff be put in possession of the premises, and an execution for the defendant's removal within ~~ten~~ three days from the judgment shall issue accordingly, to which shall be added a clause commanding the officer to collect the costs as in ordinary cases.

Sec. 16. EFFECTIVE DATE. The amendments in this Act to sections 562A.5 and 562A.6, being deemed of immediate importance, take effect upon enactment.

Approved May 1, 1995

CHAPTER 126

USE OF DANGEROUS WEAPONS IN FORCIBLE FELONIES - MINIMUM SENTENCE S.F. 293

AN ACT relating to providing for a five-year minimum prison term for a person who uses a dangerous weapon in the commission of a forcible felony.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 902.7, Code 1995, is amended to read as follows:
902.7 MINIMUM SENTENCE - USE OF A ~~FIREARM~~ DANGEROUS WEAPON.

At the trial of a person charged with participating in a forcible felony, if the trier of fact finds beyond a reasonable doubt that the person is guilty of a forcible felony and that the person represented that the person was in the immediate possession and control of a ~~firearm dangerous weapon~~, displayed a ~~firearm dangerous weapon~~ in a threatening manner, or was armed with a ~~firearm dangerous weapon~~ while participating in the forcible felony the convicted person shall serve a minimum of five years of the sentence imposed by law. A person sentenced pursuant to this section shall not be eligible for parole until the person has served the minimum sentence of confinement imposed by this section.

Approved May 1, 1995

CHAPTER 127

ENFORCEMENT PROVISIONS FOR FAILURE TO PAY RESTITUTION S.F. 373

AN ACT to permit the court to find a person in contempt for failure to pay restitution after the period of probation, work release, parole, or the person's sentence has ended and providing for the entry of a civil judgment for restitution owed to a victim.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 910.4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

When restitution is ordered by the sentencing court and the offender is placed on probation, restitution shall be a condition of probation. Failure of the offender to comply with the plan of restitution, plan of payment, or community service requirements when community service is ordered by the court as restitution, shall constitute a violation of probation and shall constitute contempt of court. The court may hold the offender in contempt, revoke probation, or extend the period of probation, or upon notice of such noncompliance and hearing thereon, the court may enter a civil judgment against the offender for the outstanding balance of payments under the plan of restitution and such judgment shall be governed by the law relating to judgments, judgment liens, executions, and other process available to creditors for the collection of debts. However, if the period of probation is extended it shall not be for more than the maximum period of probation for the offense committed as provided in section 907.7. After discharge from probation or after the expiration of the period of probation, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. As part of the order discharging an offender from probation, the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.

Sec. 2. Section 910.5, subsection 1, unnumbered paragraph 2, Code 1995, is amended to read as follows:

An offender committed to a penal or correctional facility of the state, shall make restitution while placed in that facility. Upon commitment to the custody of the director of the Iowa department of corrections, the director or the director's designee shall prepare a restitution plan of payment or modify any existing plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances. The director or the director's designee may modify the plan of payment at any time to reflect the offender's present circumstances. After the expiration of the offender's sentence, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. Upon the expiration of the offender's sentence, the department shall notify the court which sentenced the offender and the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.

Sec. 3. Section 910.5, subsections 2, 3, and 4, Code 1995, are amended to read as follows:

2. If an offender is to be placed on work release from an institution under the control of the director of the Iowa department of corrections, restitution shall be a condition of work release. The chief of the bureau of community correctional services of the Iowa department of corrections, shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances. The bureau chief may modify the plan of payment at any time to reflect the offender's present circumstances. Failure of the offender to comply with the restitution plan of payment, including the community service requirement, if any, shall constitute a violation of a condition of work release and the work release privilege may be revoked. After the expiration of the offender's sentence, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. Upon the expiration of the offender's sentence, the bureau chief shall notify the court which sentenced the offender and the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.

3. If an offender is to be placed on work release from a facility under control of a county sheriff or the judicial district department of correctional services, restitution shall be a

condition of work release. The office or individual charged with supervision of the offender shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment and family circumstances. Failure of the offender to comply with the restitution plan of payment including the community service requirement, if any, constitutes a violation of a condition of work release. The office or individual charged with supervision of the offender may modify the plan of restitution at any time to reflect the offender's present circumstances. After the expiration of the offender's sentence, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. Upon the expiration of the offender's sentence, the office or individual charged with supervision of the offender shall notify the court which sentenced the offender and the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.

4. If an offender is to be placed on parole, restitution shall be a condition of parole. The district department of correctional services to which the offender will be assigned shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances. Failure of the offender to comply with the restitution plan of payment including a community service requirement, if any, shall constitute a violation of a condition of parole. The parole officer may modify the plan of payment any time to reflect the offender's present circumstances. A restitution plan of payment or modified plan of payment, prepared by a parole officer, must meet the approval of the director of the district department of correctional services. After the expiration of the offender's sentence, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. Upon the expiration of the offender's sentence, the parole officer shall notify the court which sentenced the offender and the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.

Approved May 1, 1995

CHAPTER 128

COMMUTATION OF LIFE SENTENCES

S.F. 398

AN ACT relating to commutation of sentences of persons who have been sentenced to life imprisonment.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 902.2, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

902.2 COMMUTATION PROCEDURE FOR CLASS "A" FELONS.

A person who has been sentenced to life imprisonment under section 902.1, may, no more frequently than once every ten years, make an application to the governor requesting that the person's sentence be commuted to a term of years. The director of the Iowa department of corrections may make a request to the governor that a person's sentence be